

CullenCollimore pllc

1:12-cv-290-PB

10 East Pearl Street
Nashua, NH 03060
p: 603.881.5500
f: 603.881.5507

BRIAN J.S. CULLEN
bcullen@cullencollimore.com

March 22, 2013

Fred Runyon, pro se
Inmate #86769
NH State Prison for Men
281 North State Street
P.O. Box 14
Concord, NH 03302-0014

Re: Fred Runyon v. FNU Lee, Nashua Police Detective, et al.
Civil Action No.: 12-CV-290-PB

Dear Mr. Runyon:

As you already know from the Answer I recently filed, I am the attorney who will be representing the Nashua police officers in the civil case you have filed against them. On March 12, 2013, the Court issued a Notice of Pretrial Conference in this matter. Pursuant to federal rules, we are obligated to attempt to reach an agreed upon discovery plan which will determine the scope and timing of discovery and trial in this action. I have enclosed a proposed plan to comply with that rule. Please feel free to make any suggestions to the document that you feel are appropriate, recognizing that the document is intended to be an even-handed presentation of the case and our mutual obligations. If we are able to come to an agreement on such a plan, it should be submitted to the Court no later than April 12. Therefore, I would appreciate it if you could send me any proposed changes by the beginning of April or, if you agree to the proposed plan, let me know by then. I have enclosed a similar plan executed by counsel in another federal case just to show you that the plan I have proposed follows a relatively standard model.

The Court Order also indicates that the parties may choose to have this matter overseen by the Magistrate rather than the assigned judge. Such a decision does not impact our rights to a jury trial, but does allow the Magistrate the right to make all legal decisions in the case and to preside over the trial. I do not have a strong preference one way or the other but would not object if you preferred to have the case reassigned to the Magistrate instead of Judge Barbadoro. Either way, please let me know your position.

I have dealt with many lawsuits on behalf of the police before, in some the plaintiff is represented by counsel and others, like yourself, who represent themselves and may or may not be incarcerated for some or all of the litigation. I fully expect that we will be able to treat other in an appropriate and professional manner. Obviously, your

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current circumstances will make our communications somewhat more difficult than ordinary circumstances, particularly given that the use of mail rather than telephone or email will slow down our communications. Therefore, I would urge you to respond to any request from me in a timely fashion and I will certainly plan to do the same for you.

Very truly yours,

A handwritten signature in black ink, appearing to read 'B. Cullen', with a long horizontal flourish extending to the right.

Brian J.S. Cullen

Enclosures